

**PLANNING BOARD MEETING MINUTES  
TUESDAY, AUGUST 8, 2006**

**MEMBERS PRESENT:** Jay Cruz, Chair  
Yvette Cooks (associate member)  
John DiPasquale  
Paul Fontaine, Jr.  
Mike Hurley  
Nancy Maynard

**MEMBERS ABSENT:** Paula Caron, Vice-Chair  
Linda Nicholopoulos

**PLANNING OFFICE:** David Streb, Mike O'Hara

**Call to Order**

Meeting called to order at 6:05 p.m. in the City Council room First Floor, City Hall.

**Communications**

No communications

**Meeting Minutes**

Motion made and seconded to approve minutes of the July 18<sup>th</sup> meeting. Vote to approve unanimous.

**ANR plans**

No ANR plans.

**MINOR SITE PLAN REVIEW**

None

**PUBLIC HEARINGS**

**Special Permit - Lemay, King St. (rear 15 Frankfort St.), infill lot (single-family dwelling)**

*(postponed from July 18)*

Members present: Cruz, DiPasquale, Fontaine, Hurley, Maynard, Cooks (associate member) (6)

Public Hearing opened at 6:07 p.m.

Mr. Cruz invited City Councilors present to speak first.

Councilor Hay told the Board that he had previously submitted a petition to amend the infill lot section of the Zoning Ordinance by increasing lot size from 5,000 to 7,500 sq. ft. That petition was withdrawn due to Habitat for Humanity having a pending application. But he feels intent of infill lot section was not to pack development into a neighborhood.

Councilor DiNatale spoke about striking a balance between private property rights and the rights of abutters. Feels that the lot is too small and it will impact public welfare. The Board should take into consideration the impact to neighbors.

Councilor Joseph doesn't think this is a good spot for an infill lot. Doesn't feel the infill lot provision is the best thing for the city. He has a potential infill lot next to his house. The intent was to be used where a building had been demolished. He feels strongly against infill lots & will oppose them as long as min. lot size is 5,000 sq. ft. It should be increased to 7,500 sq. ft. Some of these infill lots increase congestion too much.

Councilor Boisvert said he was called by abutter Mr. Costa. This house would encroach on his household and lower his property values. It's just not right and proper.

Atty. Van Buren (representing applicant) made a presentation. At the June 20 meeting, the Board had asked his client for two things and he has done both. He showed to Board & neighbors an artist's

rendering (finished yesterday) of the proposed house. He submitted a site plan revised July 25, 2006 showing a 15-foot setback to Mr. Costa's property line, and 9 feet to the property line on the other (right) side (LeBlanc). The proposed dwelling now meets the usual RB side setback on the Costa side.

Atty. Van Buren stated that if the dwelling seems close it's because Mr. Costa's house is non-conforming -- too close to property line. He has a letter from a realtor stating that the new house will improve the value of the abutting property. The neighbor on the right of proposed infill lot (Bertha LeBlanc) doesn't want to sell a strip of her property, but she has no objection to house moved closer to her side. A letter from Mrs. LeBlanc stating this had been distributed to Planning Board members.

Atty. Van Buren also submitted letter of support from property owner at 23 Wall Street.

Atty. Van Buren said he wasn't aware of Councilor Hay's petition to change the zoning and respects the Councilor Joseph's opposition, but the by-law as before you now is unchanged. This is basically the same proposal that was before the ZBA. They have followed thru with the conditions set in the ZBA's variance. Mr. Lemay has been told by the ZBA to live in the house for the next five (5) Years. He is shocked that this isn't being taken into account, and that he lives and works for the city. ZBA said he has to provide parking for the 3-family and for the new house, which will improve the parking for the neighborhood.

Ms. Maynard asked if Mr. Costa has approached Mr. Lemay about buying the property.

Mr. Lemay stated no, but he wouldn't be interested in selling parcel anyway.

Mr. Costa just received the rendering yesterday.

The future Mrs. Lemay said that Mr. Lemay is a good neighbor.

Atty. Vincent CampoBasso representing abutter Mr. Costa said that a letter from Ralph Wegener, Overland Design had been sent to the Board and submitted another copy. Mr. Cruz read the letter aloud. It said that the parking shown on the plan submitted to the ZBA had inadequate dimensions.

Atty. CampoBasso read from the infill section of the Zoning Ordinance and gave a history of the parcel. In 1893 it was two separate 5,000 sq. ft. lots 50' x 100'. In 1902 the lot became one 10,000 sq. ft. lot, therefore, it was created prior to the adoption of Fitchburg's first Zoning Ordinance in 1945. The 10,000 sq. ft. lot has been conveyed 13 times. A 5,000 sq. ft. lot doesn't exist. It doesn't have separate lot protection under the state law and therefore can't be granted infill status anymore.

Mr. Fontaine asked that doesn't the ZBA approval require the division of the lot into two parcels? He made reference to a set of infill policies and procedures the Board has, and that the Board didn't allow a lot to be split off as an infill lot. Mr. O'Hara pointed out that the Board has approved several such lots in the past.

#### Public Comment:

Debbie Lesoursa, Mr. Costa's tenant, said that she shares the concerns of her landlord. Some infill lots are OK; this one is not. The new dwelling would be 16 feet from Mr. Costa's house. She submitted photographs of Wall Street area to the Chair, and mentioned the negative effect on the neighbors, the density, and the lowering of property values.

James Femino, 61 Wall St. corner King St. said he objects to this application, lot too small.

Atty. VanBuren responded to Ms. Lesoursa's comments. He pointed out that the house will actually be 21 feet from Mr. Costa's house. Mr. Wegener's letter is partially accurate, but that plan was before the ZBA and they approved it with a 4-1 vote. He read a paragraph from the Building Commissioner's letter to Mr. Lemay directing him to apply to both the ZBA and to the Planning Board. He also said he has a deed to a trust for Mr. Lemay's separate Frankfort Street 3-family parcel, but hasn't recorded it yet because it would cost \$200. Bottom line is Mr. Costa could have filed appeal of Variance decision, but did not.

The public hearing was closed at 6:50 p.m.

Mr. Cruz asked each Planning Board member how they felt about the case.

Mr. Hurley: there are competing petitions neighbors appear to split for & against. He feels it's good fit for neighborhood.

Ms. Cooks: agrees. These concerns should have been brought up at ZBA hearing.

Mr. Dipasquale: applicant is doing everything he can to make the proposal fit.

Ms. Maynard: is tough call. She commended applicant for moving proposed house. But Planning Board policy has been not to break up parcel to create infill.

Mr. Cruz: applicant was asked for more information -- he has complied.

Mr. Fontaine infill lot still not by right. Board still has to approve it.

Mr. Fontaine not ready to make decision tonight. He made motion to continue the hearing. There was no second.

Motion made (Ms. Cooks) & seconded (Ms. Maynard) to approve a Special Permit for an infill lot with conditions:

- Development to be according to revised plan dated 7-25-06
- Development to be per artist's rendering submitted at meeting
- Applicant to submit certified parking plan for his multifamily dwelling at 15 Frankfort St. showing six parking spaces
- All spaces are to be striped

Vote: 6-0 to approve.

**Site Plan Review - 558-562 Mechanic St., A. J. Wornham, repair garage  
(cont'd from 7-18-06)**

Members present & eligible to vote: Cruz, Fontaine, Hurley, Maynard (4)

Hearing opened at 7:12 p.m., with Mr. A. J. Wornham presenting. Paul Roy, his partner, appeared with him.

Mr. Wornham - suppose we carry the split-face block across the whole front of building -- from grade up to kneewall. An informal discussion ensued regarding design changes to be made to the building to make it look better. Discussion about turning building so gable end faces the street, shed-type overhang with columns, double-hung windows.

The P&S for Cumberland Farms, to be built on the site of the existing repair garage, will expire September 18<sup>th</sup>. They will have 1.3 acres zoned CBD.

Public Comment:

Scott Hedmendton, representing owner at 93 Whittemore St. asked about hours of operation and was told 7:00 - 5:30 Monday through Friday and 7:00 to 12:00 noon on Saturday.

Paul Pearson, 63 Whittemore St. -- has there been any consideration for the abutters re lighting and noise?

Wornham: No large spot lights, just lights over the doors. No work will be done outside, no outside storage of vehicles, gated dumpster location.

Mr. Cruz read ZBA Special Permit decision for site & conditions.

Public hearing closed at 7:45 p.m.

Motion made (Mr. Fontaine) & seconded (Ms. Maynard) to approve Site Plan with conditions:

- Brick facade, 12-foot high from grade, on front side of building
- Submit architectural plan and landscaping plan for review & approval of Planning Board
- Double-hung windows with grids
- Awning over front door
- Shed-type overhang with columns, peak to face road
- Gated dumpster area
- Parking spaces striped

Vote unanimous to approve Site Plan.

**Special Permit - No. 1 Mill Warehouse, LLC, Old Princeton Rd. two 3-unit condos  
(postponed from 7-18-06)**

Frank Preston of Whitman & Bingham presented plan for two 3-unit condominiums.

He introduced Jim Brunell, 350 Princeton Road, a potential buyer of the site and showed an architectural rendering. He intends to live in one of the units.

Mr. Streb asked if the two vertical lines on rendering represented a change of the vertical surface to reduce the mass of the building. Mr. Preston said no.

Mr. Fontaine: view from Princeton Road will be very important. Said that we needed to see a front and rear elevation, the front surface broken up, and decks for the unit.

Mr. Hurley agreed.

Mr. DiPasquale: would like to see something better -- fit in with neighborhood. The side facing Princeton Road should have as much appeal as the front.

Mr. Streb suggested reducing mass of buildings provide more of an offset between units.

Frank Preston proposed a long deck with a view block and nice facade on both sides and a two-foot jog between units. The southerly most lot has a lot of ground cover, but a lot of this area would be regarded and disturbed.

Landscaping is important on the rear (Princeton Rd.) side

Mr. Cruz stated that he thought the issue should be continued. Frank Preston reminded them that the Board approved the project last month based on conditions instead of making them wait.

Ms. Cooks was OK with that idea.

The hearing was closed at 8:25 p.m.

Motion made & seconded to approve Special Permit with conditions:

- Subject to Planning Board review and approval of architectural and landscaping plans and design, including front and rear elevations

Vote: 6-0 to approve.

**OTHER BUSINESS**

None.

Meeting adjourned: 8:30 p.m.

*Next meeting: August 15, 2006*

*Approved: 9-26-06*